DOCUMENT RESUME

ED 317 104 HE 023 272

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TITLE Student Handicapped Access Policies in Private or Independent Institutions of Higher Education in Texas.
PUB DATE 1 Dec 89
NOTE 19p.
PUB TYPE Reports - Descriptive (141) -- Information Analyses (070)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS *Accessibility (for Disabled); *Compliance (Legal); *Disabilities; *Educational Policy; Federal Legislation; Higher Education; Physical Mobility; *Policy Formation; Private Colleges; Social Integration; State Legislation
IDENTIFIERS Texas

ABSTRACT

Making postsecondary education truly available to those with disabilities has become an urgent priority for handicapped citizens and government at the state and national levels. Handicapped access policies at private or independent institutions of higher education can be broadly characterized by two different policy approaches: policies that are primarily compliance-oriented, and policies that are more proactive and more service-oriented. Private institutions of postsecondary education in Texas must be in compliance with various state laws and regulations and with federal legislation if any form of federal financial assistance is received. In a compliance-oriented approach, provision for handicapped access is governed by the concept of "reasonable accommodation." A broader, proactive policy regarding handicapped accessibility recognizes that access goes beyond architecture, and addresses the areas of admissions, general services, and instructional services. This type of policy might make such provisions as permitting submission of scores from untimed college admission examinations, providing special off-campus transportation and homebound academic courses, and providing separate registration fcr disabled students. Advantages and disadvantages of each policy approach are discussed. A review of the literature documents the importance of social integration, the problems with institutional attitudes, and issues in program accessibility. 23 references. (JDD)

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STUDENT HANDICAPPED ACCESS POLICIES IN PRIVATE OR INDEPENDENT INSTITUTIONS OF HIGHER EDUCATION IN TEXAS

by

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Houston, Texas

December 1, 1989

HE 023 227

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The concept of "handicap" has changed significantly during the last 20 years. A handicap is now defined as a disadvantage for a given individual resulting from an impairment or disability that limits or prevents the fulfillment of a role that is normal, depending on age, sex, social and cultural factors, for that individual.[1] A handicap exists when a person with a disability encounters physical, cultural, or social barriers which prevent or reduce that person's access to services readily available to others. It is currently estimated that people with some form of disability make up 18% of the U.S. population.[2] This newest "minority group" deserves an appropriate response from educational institutions at all levels.

A college education assists the individual in fulfilling his potential and realizing personal goals. As attendance at an institution of higher education becomes more important for obtaining employment, particularly in higher paying occupations, making postsecondary education truly available to those with disabilities has become an urgent priority for handicapped citizens and government at the state and national levels. The trend in higher education indicates that disabled persons are entering institutions of higher education in increasing numbers.[3] Existing

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1. "Society and the Disabled," **UNESCO Courier** (July, 1987) p.29.

2. Gorzelnik, Jane. "Commitment Plus Resources," **American School and University** Vol. 60 (July, 1988) p.29.

3. Kelly, Barbara Ann, "Attitudes Toward Disabled Persons of Selected Collegiate Coordinators for Disabled Students" **Journal of College Student Personnel** V.24 (May, 1984), p.255.

information suggests that difficulties in adjusting to college life and social isolation are among the most common -- and most serious -- problems faced by students with disabilities.[4] While a college education is important for people who are non-disabled the data indicate that a college education is more important for those who have a disability.[5] A college education is an essential part of the bridge across the earnings and career gap which exists between the disabled and the non-disabled.

Current laws and legislation are directed primarily at the elimination of architectural barriers on campus. In addition to addressing the primarily architectural legal and regulatory areas, the institution's handicapped access policy should address the areas of admissions, general services, and instructional policies to ensure that the handicapped are fully included in the academic and social life of the institution.

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4. Fichten, Catherine S. and Claudia V. Bourdon, "Social Skills Deficit or Response Inhibition: Interaction Between Disabled and Nondisabled College Students" **Journal of College Student Personnel** Vol.27 (July, 1986), p.326.

5. Fichten, Catherine S. "Students with Physical Disabilities in Higher Education: Attitudes and Beliefs that Affect Integration" in Yuker, Harold E. (ed.) **Attitudes Toward Persons with Disabilities**, New York: Springer Publishing Co., 1988. p. 172.

POLICY OPTIONS

Handicapped access policies at private or independent institutions of higher education can be broadly characterized by two different policy approaches: policies that are primarily compliance oriented, and policies that are more proactive and more service oriented.

Compliance Oriented Access Policy

Handicapped student access policies at all private institutions of postsecondary education in Texas must be in compliance with the Texas "Elimination of Architectural Barriers Act" and the Texas State Purchasing and General Services Commission's "Rules for Elimination of Architectural Barriers." In addition, independent institutions of higher education receiving any form of federal financial assistance -- including student financial aid -- must comply with the Federal "Rehabilitation Act of 1973" [PL 93-112], the "Civil Rights Restoration Act of 1987" [PL 100-259], and the regulations implementing the Rehabilitation Act issued by the U.S. Department of Education [Title 36 CFR 1190.1-1190.240].[6]

The Texas legislation regarding handicapped access is found in the "Elimination of Architectural Barriers Act [**Texas Civil Statutes**, Article 601b of Art. 7] The act states that the State Purchasing and General Services Commission will adopt, publish,

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6. Of related interest are the "Education of All Handicapped Children Act" [PL 94-142] which established a national clearinghouse on postsecondary education for individuals with handicaps, and the "Carl D. Perkins Vocational Education Act" [PL 98-524], which provides money through the states for vocational education programs. Under the Perkins Act, more than half of all Federal funds must support targeted groups (handicapped, disadvantaged, limited English speaking).

and enforce standards to ensure accessibility by the handicapped to all buildings, building elements, and improved areas which are open to public use for education. The statute further states that the standards apply whether or not any public funds were used for construction. The statute explicitly states that the standards apply to commercial business and trade schools. However, the standards apply only to new construction and renovation. The Act addresses access by the mobility impaired only.

Texas regulations regarding handicapped access are published and enforced by the State Purchasing and General Services Commission [**S.P.G.S.C. Rules** 115.51-115.62-101]. The technical standards adopted are similar to and compatible with ANSI A117.1980. Any person who suspects non-compliance may file a complaint with the Commission, and the Commission is required to investigate the complaint promptly. If the Commission finds the complaint is justified, it is empowered to seek injunctive relief or enforcement through the courts. For privately owned buildings and facilities the regulations pertain only to new construction and are not applicable to renovation projects.

At the Federal level, Public Law 93-112 known as the "Rehabilitation Act of 1973" and commonly referred to as "Section 504" mandates the barrier-free construction of public facilities. Section 504 (at the very end of the Act) introduces the issue of civil rights of the handicapped: "No otherwise qualified handicapped individual shall, ... solely by reason of his handicap, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

[PL 93-112, Title V Sec. 504]. The handicapped, under the Act, means anyone who 1) has a physical or mental disability which for that individual constitutes or results in a substantial handicap to employment and, 2) can reasonably be expected to benefit in terms of employability from vocational rehabilitation services. Thus it applies equally to those who are mobility impaired, blind, deaf, or have learning disabilities.

No specific provision for funding to assist institutions of higher education in compliance was offered in the legislation. However, Federal financial aid to students at private or independent colleges and universities constitutes, under the act, financial aid to the institution and thereby requires compliance by these institutions. The legislation goes beyond physical accessibility: it forbids discriminatory policies or practices which would prevent qualified students with disabilities from fulfilling academic requirements. Colleges and universities receiving federal funds are required to make reasonable adjustments in the areas of recruiting, testing, admissions, and services offered after admission.

Subsequent court interpretations narrowed the scope of the Rehabilitation Act. The courts ruled that the law was program specific. For example, if federal financial aid to the institution took the form of student financial aid, then only the financial aid office at the institution had be to handicapped accessible. With Public Law 100-259, known as the "Civil Rights Restoration Act of 1987," Congress found "that recent decisions and opinions of the Supreme Court have unduly narrowed or cast doubt upon the broad application of Section 504 of the Rehabilitation

Act of 1973.... Section 504 applies to a college, university, or other postsecondary institution, or public system of higher education ... an entire corporation, partnership, or other private organization which is principally engaged in the business of providing education ... any part of which is extended Federal financial assistance." [PL 100-259 Sec.2, Sec. 4]

Title 36 of the **Code of Federal Regulations** implements these laws. Technical provisions are similar but not identical to ANSI A117.1980. A survey of Texas higher education institutions by Thornton (1981) found that federal regulations regarding access by the handicapped involve some of the highest one-time costs of all regulations affecting colleges and universities. The survey also indicated that these costs absorb a higher percentage of the total budget in private institutions than at public institutions.[7]

Recognizing that while provision for handicapped access involves little financial burden for new construction, but is very expensive in terms of retrofitting older buildings, the regulations provide that the cost an institution has to bear in accommodating the handicapped is governed by the concept of "reasonable accommodation." Reasonable accommodation means that while not every classroom has to be accessible by the handicapped, every course does. Classes may be rescheduled from an inaccessible to an accessible location if a handicapped person wants to take the course. There must be an adequate selection of elective courses in accessible buildings.

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7. Thornton, Nelson L. **Costs of Federally Mandated Social Regulations to Institutions of Higher Education in Texas**, Sam Houston State University, (1981) ERIC Document #ED212202, p. 2.

Advantages of this type of policy:

(1) This type of handicapped access policy involves the lowest level of expense. Depending on the geographic layout of the campus, a relatively low percentage of classrooms may need to be handicapped accessible. Facilities used by all students such as the library, financial aid, and student services offices, however, must be barrier free.

(2) Where obtaining institutional consensus on what the policy ought to be is a problem, this type of policy is in effect by default. The official policy may only need to state that "this university operates under applicable Federal and Texas law with regard to accessibility by the handicapped."

Disadvantages of this type of policy

(1) If the percentage of accessible classrooms is too low, numerous last minute schedule changes from inaccessible to accessible classrooms may be disruptive. For the mobility impaired who must painstakingly arrange their class schedules to allow time to get from one building to the next, location changes may prevent attending the course.

(2) A policy which is limited to moving classrooms to accessible locations does little to ensure accessibility by those who have disabilities other than those that limit mobility. While existing law contains a substantial number of technical provisions to ensure accessibility by the mobility impaired, specific means of ensuring accessibility by the blind, deaf, or those with learning disabilities are not similarly provided in the legislation.

Proactive Policy

A broader policy regarding handicapped accessibility in institutions of higher education recognizes that access goes beyond architecture. In addition to addressing the primarily architectural, legal, and regulatory provisions, the policy should address the areas of admissions, general services, and instructional services.

In the area of admissions this type of policy might make the following provisions, depending on the nature of the prospective students' disability: Permit submission of untimed ACT or Scholastic Aptitude test scores. Accept scores from oral ACT/SAT examinations. Provide for some admissions based on recommendations. If essays are used in the selection process, allow essays on tape to be submitted.

In the area of general student service policy, the following ares should be addressed: The percentage of the campus that is barrier free. The extent to which class relocations will be the means of program access. The need for special off-campus transportation. The extent of academic support services. The need to ensure that sporting/cultural events are accessible to the mobility impaired. Campus maps for the blind and mobility impaired. The need for specialized teaching or tutoring for those with learning disabilities.

Instructional policies that enhance handicapped accessibility need to address whether and to what extent: homebound academic courses will be offered; provision will be made for separate registration for disabled students; students will be

permitted to submit exams on tape; students will be allowed extended exam periods; students can have exams written for them. In addition to being wheelchair accessible, the library should contain large print and braille reference materials for the visually impaired.

Advantages of this type of policy:

(1) This approach addresses many of the needs of all types of disabled students. By providing services and options which help students with a variety of disabilities overcome architectural as well as other types of barriers, handicapped students will be more successful as well as more persistent in their academic pursuits.

(2) This broader approach will be more sensitive to the needs of all handicapped students. This policy approach will help to coordinate handicapped access policy with other institutional policies. For example, curb cuts and sidewalk ramps for the mobility impaired may actually make them dangerous for blind or deaf students, unless the policies regarding bicycles and skateboards on campus sidewalks are adjusted.[8]

Disadvantages of this type of policy:

(1) Resources may permit only a limited number of services. If the institution is unable to do all that it would like to do in this area, the choices about which services not to offer may prove difficult.

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8. Warnath, Charles F. and Leslie G. Dunnington, "Disabled Students on the Campus," **Journal of College Student Personnel** Vol.22 (May, 1981) p.236.

(2) Enhanced services may heighten expectations which the institution may find it difficult to satisfy. Additional pressure may be put on limited discretionary staff and/or financial resources.

Review of the Literature

The latest federal legislation in this area is less than two years old. A body of case law is just beginning to emerge. The literature dealing with what handicapped access policies actually are -- or what they ought to be -- at private or public institutions of higher education is not abundant. There is, however, a great deal of related information dealing with the broader areas of problems for and persistence of the handicapped.

Tinto (1975) documented the fact that social integration is an important factor in determining whether students will remain in college.[9] Pascarella and Terenzini (1979) found a correlation between high social and academic integration and persistence. While relationships with peers were seen to be important, student relationships with faculty was found to be an especially important influence on both academic and social performance.[10] Penn

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9. Tinto, Vincent "Dropout from Higher Education: A Theoretical Synthesis of Recent Research," **Review of Educational Research** Vol. 45 (1975), p.107.

10. Pascarella, Ernest T. and Patrick T. Terenzini, "Interaction Effects in Spady's and Tinto's Conceptual Models of College Dropout" **Sociology of Education** Vol. 52 (October, 1979) p.208.

and Dudley (1980) described social isolation and adjustment to college life as among the most frequent and most serious problems faced by students with disabilities.[11] Walter and Welch (1986) estimated that 75 percent of deaf persons enrolling in colleges and universities in the U.S. withdrew without graduating.[12]

An investigation by Babbit, Burbach, and Iutcovich showed that handicapped students are seen by themselves and others to be objects of stigmatization on the college campus. The majority of students believed that the handicapped were being negatively perceived by those in the college environment. Non-handicapped students generally hold a positive view of physically handicapped students but think that most other non-handicapped people on campus have a significantly more negative attitude: they believe the problem exists but that they personally are not part of the problem.[13] A study by Fichten and Bourdon (1986) produced similar results. Both non-handicapped and handicapped student groups are most critical of the behavior of people like

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11. Penn, J. R. and D. H. Dudley, "The Handicapped Student: Problems and Perceptions," **Journal of College Student Personnel** Vol. 21 (July, 1980) p. 356.

12. Walter, Gerard G. and William A. Welch, "Providing for the Needs of Handicapped Students in a Postsecondary Environment" in **Institutional Research: New Challenges to an Evolving Role, Proceedings of the North East Association for Institutional Research Annual Conference** (13th, Philadelphia Oct. 26-28, 1986). ERIC Document #ED487422, p.217

13. Babbit, Charles E., Harold J. Burbach, and Mark Iutcovich, "Physically Handicapped College Students: An Exploratory Study of Stigma," **Journal of College Student Personnel** Vol. 20 (September, 1979) p.406.

themselves, and both groups usually behave more appropriately than they realize. Problems do not occur between wheelchair users and their non-disabled friends. Difficulties tend to arise between students who have a disability and their classmates who have had little contact with disabled people.[14]

A further study by Fichten (1988) found that institutional attitudes are perhaps the most important ones. Institutions which may discourage handicapped students from applying, that place both physical and admissions barriers in front of them, and that fail to provide services needed by the students or their professors often cause the most damage by communicating to the campus community the message that disabled students are unwelcome.[15]

A 1978 study conducted by the National Center for Education Statistics found that 76% of the assignable area on college and university campuses in North Carolina would need to be made handicapped accessible in order to comply with the program accessibility mandate of Section 504, although the percentage varied greatly among institutions.[16] Marion and Iovacchini con-

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14. Fichten, Catherine S. and Claudia V. Bourdon, "Social Skill Deficit or Response Inhibition: Interaction between Disabled and Nondisabled College Students," **Journal of College Student Personnel** Vol.27 (July, 1986) p.329-30.

15. Fichten, "Attitudes toward Persons with Disabilities" in Yuker, Harold E. (Ed.) **Attitudes Toward Persons with Disabilities**, New York: Springer 1988, p.181.

16. **Inventory and Utilization Study, Fall 1986."** Chapel Hill, N.C.: North Carolina Commission on Higher Education Facilities (20th Ed.) 1987, p.169 (ERIC Document #290355).

ducted a survey (1983) of 155 U.S. colleges and universities with representative samples of both public and private institutions, which assessed the special efforts made to assure program accessibility for handicapped students as required by Section 504 of the Rehabilitation Act of 1973. More than half of the institutions offered interpreters and note-takers for hearing-impaired students; braille writers, machines to enlarge print, tape recorders and tape recorded books for visually impaired students; and tutors for students with diagnosed learning disabilities. Funds for the services were provided by a combination of institutional funds, special state appropriations, and other sources. In addition to services specified in the survey, 22% provided one or more other services from the following list: attendants, special vans for transportation, adaptive physical education courses, wheelchair loan and repair, organizations of/for handicapped students, special campus maps, tactile signs and maps, priority class registration, special parking permits and spaces, provision for oral testing, reading machines, braille computer readouts or printouts, talking calculators, braille and large print reference materials, and telephone hookups for the homebound.[17]

A brief description covering the major ANSI and federal technical specifications can be found in the Higher Education and Training for People with Handicaps Center (HEATH Center)'s

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17. Marion, Paul B. and Eric V. Iovacchini, "Services for Handicapped Students in Higher Education: An Analysis of National Trends" **Journal of College Student Personnel** Vol.24 (March, 1983) p.133

Architectural Checklist. The publication also suggests some standards for the percentage of handicapped accessible facilities of various types on campus: e.g. one percent of spectator stations should be dedicated for the handicapped.

Southern Methodist University has a very progressive handicapped access policy. The policy addresses admissions, facility design, and student services. Key provisions of this policy are:

1. It is the policy of Southern Methodist University to encourage qualified handicapped persons to participate in University activities, programs, services, and as applicants for admission or employment. Southern Methodist University will not discriminate or deny access or participation in its activities, programs, services, admissions, or employment on the basis of an individual's disability.

2. A handicapped person is one who has a physical or mental impairment, has a record of such an impairment, or is regarded as having such an impairment. With respect to employment, a qualified handicapped person is one who, with reasonable accommodation, can perform the essential functions of the job in question. A qualified handicapped student or applicant is one who meets the academic and technical standards requisite to admission or participation in the University's educational program or activities.

3. This policy shall guide facility design, modification, location of classes or events, whether permanent or temporary, to assure accessibility. Where structural design may prevent accessibility, alternative methods or relocation should be employed to secure a more appropriate accessible site.

4. The University shall endeavor to provide special teaching aids, services, and accommodations to assure that qualified handicapped persons are not deprived of opportunity or access to participate in classes, activities, programs, services, and employment.[18].

18.

Office of the President, Southern Methodist University. "Needs of Handicapped Persons" **Southern Methodist University Policies and Procedures**. Policy Number OP-00-004a.

While the federal "Education of All Handicapped Children Act" is concerned primarily with elementary, and secondary education, it did establish a clearinghouse for information on the handicapped and postsecondary education. The Higher Education and the Handicapped Resource Center (HEATH Center) makes available publications and information of interest to anyone who is involved with the postsecondary education or transitional needs of persons with disabilities. Telephone: 800-544-3284 Address: One Dupont Circle, Suite 800, Washington DC 20036-1193.

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